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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 31, 2017

David Jones, President
Todd Jones, Vice President
City Fibers, Inc.
2500 S. Santa Fe Avenue
Los Angeles, CA 90058

Todd Jones, Vice President
City Fibers, Inc.
2211 East Washington Blvd.
Los Angeles, CA 90021

Todd Jones, Vice President
City Fibers, Inc.
3033 East Washington Blvd.
Los Angeles, CA 90023

Todd Jones, Vice President
City Fibers, Inc.
16714 Schoenborn Street
North Hills, CA 91343

VIA FIRST CLASS MAIL

David T. Jones, Agent for Service of Process
City Fibers, Inc.
2500 S. Santa Fe Avenue
Los Angeles, CA 90058

**Re: Notice of Violations and Intent to File Suit under the Federal Water
Pollution Control Act**

Dear Mr. Jones and Mr. Jones:

I am writing on behalf of Los Angeles Waterkeeper ("LAW") in regard to violations of the Federal Water Pollution Control Act ("Clean Water Act" or the "Act") that LAW believes are occurring at the following industrial facilities owned and/or operated by City Fibers, Inc.:

- 3033 East Washington Blvd., Los Angeles, CA 90023 ("East Washington Plant")
- 2211 East Washington Blvd., Los Angeles, CA 90021 ("West Washington Plant")

Notice of Violations and Intent to File Suit

- 2500 S. Santa Fe Avenue, Los Angeles, CA 90058 (“Los Angeles Plant”)
- 16714 Schoenborn Street, North Hills, CA 91343 (“West Valley Plant”)

The facilities are collectively referred to as the “Facilities.” This letter is being sent to City Fibers, Inc., David Jones, and Todd Jones as the responsible owners or operators of the Facilities (all recipients are hereinafter collectively referred to as “City Fibers”).

This letter addresses City Fibers’ unlawful discharge of pollutants from the Los Angeles Plant, the East Washington Plant, and the West Washington Plant into the Los Angeles River and from the West Valley Plant into Bull Creek and then into the Los Angeles River. The Facilities are discharging storm water pursuant to National Pollutant Discharge Elimination System (“NPDES”) Permit No. CA S000001, State Water Resources Control Board (“State Board”) Order No. 97-03-DWQ (“1997 Permit”) as renewed by Order No. 2015-0057-DWQ (“2015 Permit”). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit maintains or makes more stringent the same requirements as the 1997 Permit. As appropriate, LAW refers to the 1997 and 2015 Permits in this letter collectively as the “General Permit.” The Facilities are engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency (“EPA”) and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, LAW hereby places City Fibers on formal notice that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, LAW intends to file suit in federal court against City Fibers under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

LAW is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 120 Broadway, Suite 105, Santa Monica, California 90401. Founded in 1993, LAW has approximately 3,000 members who live and/or recreate in and around the Los Angeles area. LAW is dedicated to the preservation, protection, and defense of the inland and coastal surface and groundwaters of Los Angeles County from all sources of pollution and degradation. To further this mission, LAW actively seeks federal and state implementation of the Clean Water Act. Where necessary, LAW directly initiates enforcement actions on behalf of itself and its members.

Members of LAW reside in Los Angeles County, and near Bull Creek, the Los Angeles River, and Pacific Ocean (hereinafter “Receiving Waters”). As explained in detail below, the

Facilities continuously discharge pollutants into the Receiving Waters, in violation of the Clean Water Act and the General Permit. LAW members use the Receiving Waters to swim, boat, kayak, bird watch, view wildlife, hike, bike, walk, and run. Additionally, LAW members use the waters to engage in scientific study through pollution and habitat monitoring and restoration activities. The unlawful discharge of pollutants from the Facilities into the Receiving Waters impairs LAW members' use and enjoyment of these waters. Thus, the interests of LAW's members have been, are being, and will continue to be adversely affected by the Facilities' failure to comply with the Clean Water Act and the General Permit.

The Waste Discharger Identification Number ("WDID") for the East Washington Plant listed on documents submitted to the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") is 4 19I025214. On its Notice of Intent to comply with the General Permit ("NOI"), City Fibers certifies that the East Washington Plant is classified under SIC Code 5093 ("Scrap and Waste Materials"). The East Washington Plant is fully paved and covers an area of approximately 3.6 acres. It collects and discharges storm water through at least two discharge locations. On information and belief, LAW alleges the outfalls contain storm water that is commingled with runoff from the East Washington Plant from areas where industrial processes occur. Storm water discharged from the East Washington Plant flows into channels that flow into the Los Angeles storm drain system, which discharges into Reach 2 of the Los Angeles River, which discharges into Reach 1 of the Los Angeles River and ultimately flows to the Pacific Ocean via the Los Angeles River Estuary and San Pedro Bay.

The WDID for the West Washington Plant listed on documents submitted to the Regional Board is 4 19I018643. On its NOI, City Fibers certifies that the West Washington Plant is classified under SIC Code 5093 ("Scrap and Waste Materials"). The West Washington Plant is fully paved and covers an area of approximately 1.5 acres. It collects and discharges storm water through at least two discharge locations. On information and belief, LAW alleges the outfalls contain storm water that is commingled with runoff from the West Washington Plant from areas where industrial processes occur. Storm water discharged from the West Washington Plant flows into channels that flow into the Los Angeles storm drain system, which discharges into Reach 2 of the Los Angeles River, which discharges into Reach 1 of the Los Angeles River and ultimately flows to the Pacific Ocean via the Los Angeles River Estuary and San Pedro Bay.

The WDID for the Los Angeles Plant listed on documents submitted to the Regional Board is 4 19I002998. On its NOI, City Fibers certifies that the Los Angeles Plant is classified under SIC Code 5093 ("Scrap and Waste Materials"). The Los Angeles Plant is fully paved and covers an area of approximately 2.9 acres. The Los Angeles Plant is comprised of two separate plants located in close proximity on adjacent blocks. Plant #1 collects and discharges storm water through at least one discharge location. Plant #2 collects and discharges storm water through at least two discharge locations. On information and belief, LAW alleges the outfalls at both plants contain storm water that is commingled with runoff from the Los Angeles Plant from areas where industrial processes occur. Storm water discharged from the Los Angeles Plant flows into channels that flow into the Los Angeles storm drain system, which discharges into Reach 2 of the Los Angeles River, which flows into Reach 1 of the Los Angeles River and ultimately flows to the Pacific Ocean via the Los Angeles River Estuary and San Pedro Bay.

The WDID for the West Valley Plant listed on documents submitted to the Regional Board is 4 19I015095. On its NOI, City Fibers certifies that the West Valley Plant is classified under SIC Code 5093 (“Scrap and Waste Materials”). The West Valley Plant is fully paved and covers an area of approximately 2 acres. It collects and discharges storm water through at least one discharge location. On information and belief, LAW alleges the outfall contains storm water that is commingled with runoff from the West Valley Plant from areas where industrial processes occur. Storm water discharged from the West Valley Plant flows into channels that flow into the Los Angeles storm drain system, which discharges to Bull Creek, which flows into Reach 5 of the Los Angeles River, which flows into Reach 4 of the Los Angeles River, which flows into Reach 3 of the Los Angeles River, which flows into Reach 2 of the Los Angeles River, which flows into Reach 1 of the Los Angeles River and ultimately flows to the Pacific Ocean via the Los Angeles River Estuary and San Pedro Bay.

The Regional Board has identified beneficial uses of the Los Angeles River, including its tributary, Bull Creek, the Los Angeles River Estuary, and the San Pedro Bay and established water quality standards for these waters in the “Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties”, generally referred to as the Basin Plan. See http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/. The beneficial uses of these waters include, among others, municipal and domestic supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, wildlife habitat, wetland habitat, marine habitat, rare, threatened, or endangered species, preservation of biological habitats, migration of aquatic organisms, spawning, reproduction, and/or early development, and shellfish harvesting. The non-contact water recreation use is defined as “[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.” *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people’s use of the Los Angeles River and Bull Creek for contact and non-contact water recreation.

The Basin Plan includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life.” *Id.* at 3-38. The Basin Plan includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” *Id.* at 3-29. The Basin Plan provides that “[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-37. The Basic Plan provides that “[t]he pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges.” *Id.* at 3-35. The Basin Plan provides that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated

beneficial use.” *Id.* at 3-24. The Basin Plan provides that “[w]aters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-26. The Basin Plan provides that “[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses.” *Id.* at 3-25. The Basin Plan provides that “[w]aters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-38. The Basin Plan provides that “[w]aters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible aquatic resources, cause nuisance, or adversely affect beneficial uses.” *Id.* at 3-37.

The Basin Plan also provides a chemical constituent standard that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. Water designated for use as Domestic or Municipal Supply (MUN) shall not contain concentrations of chemical constituents in excess of the limits specified in the following provisions of Title 22 of the California Code of Regulations which are incorporated by reference into this plan: Table 64431-A of Section 64431 (Inorganic Chemicals)...” *Id.* at 3-8. The Basin Plan provides a Maximum Contaminant Level (“MCL”) for aluminum of 1 mg/L.

The EPA has adopted freshwater numeric water quality standards for zinc of 0.120 mg/L (Criteria Maximum Concentration – “CMC”), and for copper of 0.013 mg/L (CMC), and for lead of 0.065 mg/L (CMC). 65 Fed. Reg. 31712 (May 18, 2000) (California Toxics Rule).¹

The EPA 303(d) List of Water Quality Limited Segments lists the Bull Creek as impaired for indicator bacteria. *See* http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2012.shtml. Reach 5 of the Los Angeles River is listed as impaired for copper, lead, oil, nutrients, and trash, among other pollutants. Reach 4 of the Los Angeles River is listed as impaired for copper, lead, nutrients, and trash, among other pollutants. Reach 2 of the Los Angeles River is impaired for trash, oil, nutrients, copper, and lead, among other pollutants. Reach 1 of the Los Angeles River is impaired for zinc, lead, copper, trash, pH, nutrients, and pathogens, among other pollutants. The Los Angeles River Estuary is impaired for trash and sediment toxicity, among other pollutants. San Pedro Bay is impaired for sediment toxicity, among other pollutants.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”).² The following benchmarks have been established for pollutants discharged by City Fibers’ Facilities: pH – 6.0 - 9.0 standard units (“s.u.”); total suspended solids (“TSS”) – 100 mg/L; oil

¹ These values are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L, which is the default listing in the California Toxics Rule.

² The Benchmark Values can be found at http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf.

and grease (“O&G”) – 15 mg/L; chemical oxygen demand (“COD”) — 120 mg/L; iron – 1.0 mg/L; aluminum – 0.75 mg/L; zinc – 0.26 mg/L; copper – 0.0332 mg/L; and lead – 0.262 mg/L.

These benchmarks are reflected in the 2015 Permit in the form of Numeric Action Levels (“NALs”). The 2015 Permit incorporates annual NALs, which reflect the 2008 EPA Multi-Sector General Permit benchmark values, and instantaneous maximum NALs, which are derived from a Water Board dataset. The following annual NALs have been established under the 2015 Permit: TSS – 100 mg/L; O&G – 15 mg/L; COD – 120 mg/L; iron – 1.0 mg/L; aluminum – 0.75 mg/L; zinc – 0.26 mg/L; copper – 0.0332 mg/L; and lead – 0.262 mg/L. The 2015 Permit also establishes the following instantaneous maximum NALs: pH – 6.0-9.0 s.u.; TSS – 400 mg/L; and oil & grease (“O&G”) – 25 mg/L.

II. Alleged Violations of the General Permit.

A. Discharges in Violation of the Permit.

City Fibers has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. The 2015 Permit includes the same effluent limitation. *See* 2015 Permit, Effluent Limitation V(A). BAT and BCT include both nonstructural and structural measures. 1997 Permit, Section A(8); 2015 Permit, Section X(H). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III(B) of the 2015 Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the 1997 Permit and Discharge Prohibition III(C) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI(B) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) and Discharge Prohibition III(D) of the 2015 Permit also prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) of

the 2015 Permit. As a result, compliance with this provision is measured at the Facilities' discharge monitoring locations.

The Facilities have discharged and continue to discharge storm water with unacceptable levels of pH, TSS, COD, iron, aluminum, zinc, copper, and lead in violation of the General Permit. City Fibers' sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

i. Discharges from East Washington Plant.

The following discharges of pollutants from the East Washington Plant have contained observations and measurements of pollutants in excess of applicable numerical and narrative water quality standards established in the Basin Plan. They have thus violated Discharge Prohibitions A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit, and Effluent Limitation V(A) of the 2015 Permit.

Sampling Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective / CTR	Outfall (as identified by the Facility)
2/6/2017	Zinc	0.533 mg/L	0.120 mg/L (CMC)	Stormwater – East
12/23/2016	Zinc	0.175 mg/L	0.120 mg/L (CMC)	Stormwater – Washington East
5/14/2015	Zinc	0.324 mg/L	0.120 mg/L (CMC)	East Washington Plant
2/6/2017	Copper	0.0177 mg/L	0.013 mg/L (CMC)	Stormwater – East
12/23/2016	Copper	0.015 mg/L	0.013 mg/L (CMC)	Stormwater – Washington East
12/15/2016	Copper	0.0147 mg/L	0.013 mg/L (CMC)	Cloudy Water
5/14/2015	Copper	0.044 mg/L	0.013 mg/L (CMC)	East Washington Plant

The information in the above table reflects data gathered from the East Washington Plant's self-monitoring during the 2014-2015 wet season and the 2016-2017 reporting year. LAW alleges that since at least December 16, 2014, the date the East Washington Plant filed its NOI, and continuing through today, City Fibers has discharged from the East Washington Plant storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Zinc – 0.12 mg/L (CMC)
- Copper – 0.013 mg/L (CMC)

The following discharges of pollutants from the East Washington Plant have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit.

Sampling Date	Parameter	Observed Concentration	EPA Benchmark Value /Annual NAL	Outfall (as identified by the Facility)
5/14/2015	Chemical Oxygen Demand	160 mg/L	120 mg/L	East Washington Plant
5/14/2015	Iron	1.2 mg/L	1.0 mg/L	East Washington Plant
2/6/2017	Zinc	0.533 mg/L	0.26 mg/L	Stormwater – East
5/14/2015	Zinc	0.324 mg/L	0.26 mg/L	East Washington Plant
5/14/2015	Copper	0.044 mg/L	0.0332 mg/L	East Washington Plant

The information in the above table reflects data gathered from the East Washington Plant's self-monitoring during the 2014-2015 wet season and the 2016-2017 reporting year. In addition, on information and belief, LAW alleges that discharges from the East Washington Plant during the 2016-2017 reporting year have been in excess of the NALs for TSS, iron, and aluminum. LAW alleges that since at least December 16, 2014, City Fibers has discharged from the East Washington Plant storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for TSS, COD, iron, aluminum, zinc, and copper.

LAW's investigation, including its review of the East Washington Plant's SWPPP, the analytical results documenting pollutant levels in the East Washington Plant's storm water discharges well in excess of applicable water quality standards, and EPA benchmark values and NALs, indicates that City Fibers has not implemented BAT and BCT at the East Washington Plant for its discharges of COD, iron, zinc, copper, and potentially other pollutants in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit. The East Washington Plant was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, City Fibers is discharging polluted storm water associated with its industrial operations from the East Washington Plant without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the East Washington Plant is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit. LAW

alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since at least December 16, 2014, and that will occur at the East Washington Plant subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which LAW alleges that the East Washington Plant has discharged storm water containing impermissible and unauthorized levels of COD, iron, zinc, and copper in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; and Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit.³

Further, LAW puts City Fibers on notice that 2015 Permit Effluent Limitation V(A) is a separate, independent requirement with which City Fibers must comply, and that carrying out the iterative process triggered by exceedances of the NALs listed at Table 2 of the 2015 Permit does not amount to compliance with the Permit's Effluent Limitations, including City Fibers' obligation to have installed BAT and BCT at the Facilities. While exceedances of the NALs demonstrate that a facility is among the worst performing facilities in the State, the NALs do not represent technology based criteria relevant to determining whether an industrial facility has implemented BMPs that achieve BAT/BCT.⁴¹ Finally, even if City Fibers submits an Exceedance Response Action Plan(s) pursuant to Section XII of the 2015 Permit for any of the Facilities, the violations of Effluent Limitation V(A) described in this Notice Letter are ongoing.

These unlawful discharges from the East Washington Plant are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of COD, iron, zinc, and copper in violation of Section 301(a) of the CWA. Each day that the East Washington Plant operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act since December 16, 2014.

ii. Discharges from West Washington Plant.

The following discharges of pollutants from the West Washington Plant have contained observations and measurements of pollutants in excess of applicable numerical and narrative

³ The rain dates on the attached table are all the days when 0.1" or more rain was observed at a weather station in Los Angeles located approximately 4.3 miles from the East Washington Plant. Rain data was accessed from the National Oceanic and Atmospheric Administration at <https://www.ncdc.noaa.gov/cdo-web/>. (Last accessed on May 31, 2017).

⁴ The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the 2015] Permit are not, in and of themselves, violations of [the 2015] Permit." 2015 Permit, Finding 63, p. 11. The NALs do, however, trigger reporting requirements. See 2015 Permit, Section XII.

water quality standards established in the Basin Plan. They have thus violated Discharge Prohibitions A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit, and Effluent Limitation V(A) of the 2015 Permit.

Sampling Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective / CTR	Outfall (as identified by the Facility)
5/14/2015	pH	5.7 s.u.	6.5 – 8.5 s.u.	Main Driveway
1/26/2015	pH	6 s.u.	6.5 – 8.5 s.u.	Stormwater
1/26/2015	Aluminum	1.56 mg/L	1.0 mg/L (MCL)	Stormwater
5/14/2015	Zinc	0.325 mg/L	0.120 mg/L (CMC)	Main Driveway
1/26/2015	Zinc	0.676 mg/L	0.120 mg/L (CMC)	Stormwater
5/14/2015	Copper	0.055 mg/L	0.013 mg/L (CMC)	Main Driveway
1/26/2015	Copper	0.101 mg/L	0.013 mg/L (CMC)	Stormwater

The information in the above table reflects data gathered from the West Washington Plant's self-monitoring during the 2014-2015 wet season. LAW alleges that since May 31, 2012, and continuing through today, City Fibers has discharged from the West Washington Plant storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- pH – 6.5 – 8.5 s.u. (Basin Plan)
- Aluminum – 1.0 mg/L (MCL)
- Zinc – 0.120 mg/L (CMC)
- Copper – 0.013 mg/L (CMC)

The following discharges of pollutants from the West Washington Plant have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit.

Sampling Date	Parameter	Observed Concentration	EPA Benchmark Value /Annual NAL	Outfall (as identified by the Facility)
5/14/2015	pH	5.7 s.u.	6.0 – 9.0 s.u.	Main Driveway
5/14/2015	Oil & Grease	56.9 mg/L	15 mg/L	Stormwater
5/14/2015	Chemical Oxygen Demand	193 mg/L	120 mg/L	Main Driveway
1/26/2015	Chemical Oxygen Demand	7390 mg/L	120 mg/L	Stormwater
5/14/2015	Iron	1.38 mg/L	1.0 mg/L	Main Driveway
1/26/2015	Iron	2.62 mg/L	1.0 mg/L	Stormwater
1/26/2015	Aluminum	1.56 mg/L	0.75 mg/L	Stormwater
5/14/2015	Zinc	0.325 mg/L	0.26 mg/L	Main Driveway
1/26/2015	Zinc	0.676 mg/L	0.26 mg/L	Stormwater
5/14/2015	Copper	0.055 mg/L	0.0332 mg/L	Main Driveway
1/26/2015	Copper	0.101 mg/L	0.0332 mg/L	Stormwater

The information in the above table reflects data gathered from the West Washington Plant's self-monitoring during the 2014-2015 wet season. LAW alleges that since May 31, 2012, City Fibers has discharged from the West Washington Plant storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for pH, O&G, COD, iron, aluminum, zinc, and copper.

LAW's investigation, including its review of the West Washington Plant's SWPPP, the analytical results documenting pollutant levels in the West Washington Plant's storm water discharges well in excess of applicable water quality standards, and EPA benchmark values and NALs, indicates that City Fibers has not implemented BAT and BCT at the West Washington Plant for its discharges of pH, O&G, COD, iron, aluminum, zinc, copper, and potentially other pollutants in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit. The West Washington Plant was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, City Fibers is discharging polluted storm water associated with its industrial operations from the West Washington Plant without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the West Washington Plant is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit. LAW alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since May 31, 2012, and that will occur at the West Washington Plant subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment B, attached hereto, sets forth each of the specific rain dates on which LAW alleges that the West Washington Plant has discharged storm water containing impermissible and unauthorized levels of pH, O&G, COD, iron, aluminum, zinc, copper in

violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; and Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit.⁵

These unlawful discharges from the West Washington Plant are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of pH, O&G, COD, iron, aluminum, zinc, and copper in violation of Section 301(a) of the CWA. Each day that the West Washington Plant operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act since May 31, 2012.

iii. Discharges from Los Angeles Plant.

The following discharges of pollutants from the Los Angeles Plant have contained observations and measurements of pollutants in excess of applicable numerical and narrative water quality standards established in the Basin Plan. They have thus violated Discharge Prohibitions A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit, and Effluent Limitation V(A) of the 2015 Permit.

Sampling Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective / CTR	Outfall (as identified by the Facility)
5/14/2015	Zinc	0.311 mg/L	0.120 mg/L (CMC)	Stormwater
10/11/2012	Zinc	1.21 mg/L	0.120 mg/L (CMC)	Combined sample
5/14/2015	Copper	0.052 mg/L	0.013 mg/L (CMC)	Stormwater
10/11/2012	Copper	0.0348 mg/L	0.013 mg/L (CMC)	Combined sample

The information in the above table reflects data gathered from the Los Angeles Plant's self-monitoring during the 2012-2013 and 2014-2015 wet seasons. LAW alleges that since at least May 31, 2012, and continuing through today, City Fibers has discharged from the Los

⁵ The rain dates on the attached table are all the days when 0.1" or more rain was observed at a weather station in Los Angeles located approximately 3.3 miles from the West Washington Plant. Rain data was accessed from the National Oceanic and Atmospheric Administration at <https://www.ncdc.noaa.gov/cdo-web/>. (Last accessed on May 31, 2017).

Angeles Plant storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Zinc – 0.12 mg/L (CMC)
- Copper – 0.013 mg/L (CMC)

The following discharges of pollutants from the Los Angeles Plant have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit.

Sampling Date	Parameter	Observed Concentration	EPA Benchmark Value /Annual NAL	Outfall (as identified by the Facility)
10/11/2012	Total Suspended Solids	116 mg/L	100 mg/L	Combined sample
5/14/2015	Chemical Oxygen Demand	172 mg/L	120 mg/L	Stormwater
10/11/2012	Chemical Oxygen Demand	418 mg/L	120 mg/L	Combined sample
5/14/2015	Iron	1.53 mg/L	1 mg/L	Stormwater
10/11/2012	Iron	1.51 mg/L	1 mg/L	Combined sample
5/14/2015	Aluminum	0.82 mg/L	0.75 mg/L	Stormwater
5/14/2015	Zinc	0.311 mg/L	0.26 mg/L	Combined sample
10/11/2012	Zinc	1.21 mg/L	0.26 mg/L	Stormwater
5/14/2015	Copper	0.052 mg/L	0.0332 mg/L	Stormwater

The information in the above table reflects data gathered from the Los Angeles Plant's self-monitoring during the 2012-2013 and 2014-2015 wet seasons. LAW alleges that since at least May 31, 2012, City Fibers has discharged from the Los Angeles Plant storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for TSS, COD, iron, aluminum, zinc, and copper.

LAW's investigation, including its review of the Los Angeles Plant's Storm Water Pollution Prevention Plan ("SWPPP"), the analytical results documenting pollutant levels in the Los Angeles Plant's storm water discharges well in excess of applicable water quality standards, and EPA benchmark values and NALs, indicates that City Fibers has not implemented BAT and BCT at the Los Angeles Plant for its discharges of TSS, iron, zinc, copper, lead, aluminum, COD, and potentially other pollutants in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit. The Los Angeles Plant was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, City Fibers is discharging polluted storm water associated with its industrial operations from the Los Angeles Plant without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Los Angeles Plant is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit. LAW alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since May 31, 2012, and that will occur at the Los Angeles Plant subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment B, attached hereto, sets forth each of the specific rain dates on which LAW alleges that the Los Angeles Plant has discharged storm water containing impermissible and unauthorized levels of TSS, iron, zinc, copper, aluminum, and COD in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; and Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit.⁶

These unlawful discharges from the Los Angeles Plant are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of pH, TSS, iron, zinc, copper, lead, aluminum, COD, and polluted storm water associated with industrial activity in violation of Section 301(a) of the CWA. Each day that the Los Angeles Plant operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act since May 31, 2012.

iv. Discharges from West Valley Plant.

The following discharges of pollutants from the West Valley Plant have contained observations and measurements of pollutants in excess of applicable numerical and narrative water quality standards established in the Basin Plan. They have thus violated Discharge Prohibitions A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit, and Effluent Limitation V(A) of the 2015 Permit.

⁶ The rain dates on the attached table are all the days when 0.1" or more rain was observed at a weather station in Los Angeles located approximately 3.5 miles from the Los Angeles Plant. Rain data was accessed from the National Oceanic and Atmospheric Administration at <https://www.ncdc.noaa.gov/cdo-web/>. (Last accessed on May 31, 2017).

Sampling Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective / CTR	Outfall (as identified by the Facility)
10/11/2012	Aluminum	1.72 mg/L	1.0 mg/L (MCL)	Stormwater
10/11/2012	Zinc	0.451 mg/L	0.120 mg/L (CMC)	Stormwater
10/11/2012	Copper	0.0926 mg/L	0.013 mg/L (CMC)	Stormwater

The information in the above table reflects data gathered from the West Valley Plant's self-monitoring during the 2012-2013 wet season. LAW alleges that since May 31, 2012, and continuing through today, City Fibers has discharged from the West Valley Plant storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Aluminum – 1.0 mg/L (MCL)
- Zinc – 0.120 mg/L (CMC)
- Copper – 0.013 mg/L (CMC)

The following discharges of pollutants from the West Valley Plant have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit.

Sampling Date	Parameter	Observed Concentration	EPA Benchmark Value /Annual NAL	Outfall (as identified by the Facility)
10/11/2012	Total Suspended Solids	120 mg/L	100 mg/L	Stormwater
10/11/2012	Chemical Oxygen Demand	213 mg/L	120 mg/L	Stormwater
10/11/2012	Iron	2.92 mg/L	1.0 mg/L	Stormwater
10/11/2012	Aluminum	1.72 mg/L	0.75 mg/L	Stormwater
10/11/2012	Zinc	0.451 mg/L	0.26 mg/L	Stormwater
10/11/2012	Copper	0.0926 mg/L	0.0332 mg/L	Stormwater

The information in the above table reflects data gathered from the West Valley Plant's self-monitoring during the 2012-2013 wet season. LAW alleges that since May 31, 2012, City Fibers has discharged from the West Valley Plant storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for TSS, COD, iron, aluminum, zinc, and copper.

LAW's investigation, including its review of the West Valley Plant's SWPPP, the analytical results documenting pollutant levels in the West Valley Plant's storm water discharges well in excess of applicable water quality standards, and EPA benchmark values and NALs, indicates that City Fibers has not implemented BAT and BCT at the West Valley Plant for its discharges of TSS, COD, iron, aluminum, zinc, and copper, and potentially other pollutants in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit. The West Valley Plant was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, City Fibers is discharging polluted storm water associated with its industrial operations from the West Valley Plant without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the West Valley Plant is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit. LAW alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since May 31, 2012, and that will occur at the West Valley Plant subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment C, attached hereto, sets forth each of the specific rain dates on which LAW alleges that the West Valley Plant has discharged storm water containing impermissible and unauthorized levels of TSS, COD, iron, aluminum, zinc, and copper in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; and Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit.⁷

These unlawful discharges from the West Valley Plant are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of TSS, COD, iron, aluminum, zinc, and copper in violation of Section 301(a) of the CWA. Each day that the West Valley Plant operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act since May 31, 2012.

B. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program for the Facilities.

The 1997 Permit requires facility operators to develop and implement an adequate Monitoring and Reporting Program before industrial activities begin at a facility. See 1997

⁷ The rain dates on the attached table are all the days when 0.1" or more rain was observed at a weather station in Van Nuys located approximately 1 mile from the West Valley Plant. Rain data was accessed from the National Oceanic and Atmospheric Administration at <https://www.ncdc.noaa.gov/cdo-web/>. (Last accessed on May 31, 2017).

Permit, § B(1). The 2015 Permit includes similar monitoring and reporting requirements. See 2015 Permit, § XI. The primary objective of the Monitoring and Reporting Program is to both observe and to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the General Permit's discharge prohibitions, effluent limitations, and receiving water limitations. An adequate Monitoring and Reporting Program therefore ensures that best management practices ("BMPs") are effectively reducing and/or eliminating pollutants at a facility, and is evaluated and revised whenever appropriate to ensure compliance with the General Permit.

Sections B(3)-(16) of the 1997 Permit set forth the monitoring and reporting requirements. As part of the Monitoring Program, all facility operators must conduct visual observations of storm water discharges and authorized non-storm water discharges, and collect and analyze samples of storm water discharges. As part of the Reporting Program, all facility operators must timely submit an Annual Report for each reporting year. The monitoring and reporting requirements of the 2015 Permit are substantially similar to those in the 1997 Permit, and in several instances more stringent.

i. Failure to Analyze for Required Pollutant Parameters.

Under the 1997 Permit, facilities must analyze storm water samples for "toxic chemicals and other pollutants that are likely to be present in storm water discharges in significant quantities." 1997 Permit, Section B(5)(c)(ii). Under the 2015 Permit, facilities must analyze storm water samples for "[a]dditional parameters identified by the Discharger on a facility-specific basis that serve as indicators of the presence of all industrial pollutants identified in the pollutant source assessment." 2015 Permit, Section XI(B)(6)(c).

Under the 1997 Permit, facilities must also analyze storm water samples for analytical parameters listed in Table D of the 1997 Permit. 1997 Permit, Section B(5)(c)(iii). For facilities with an SIC Code of 5093, Table D requires analysis of iron, lead, aluminum, copper, zinc, and COD. Under the 2015 Permit, facilities must also analyze storm water samples for applicable parameters listed in Table I of the 2015 Permit. 2015 Permit, Section XI(B)(6)(d). For facilities with an SIC Code of 5093, with the exception of "source-separated recycling," Table I requires analysis of iron, lead, aluminum, zinc, and COD. Neither the 2015 Permit nor the associated Fact Sheet defines "source-separated recycling."

Under the 2015 Permit, facilities must analyze collected samples for "[a]dditional applicable industrial parameters related to receiving waters with 303(d) listed impairments or approved TMDLs based on the assessment in [SWPPP] Section X(G)(2)(a)(ix). 2015 Permit, Section XI(B)(6)(e). Section X(G)(2)(a)(ix) of the 2015 Permit requires that a facility identify "industrial pollutants related to the receiving waters with 303(d) listed impairments identified in Appendix 3 or approved TMDLs that may be causing or contributing to an exceedance of a water quality standard in the receiving waters."

a. East Washington Plant.

During the 2014-2015 wet season, the last time prior to the current reporting year that City Fibers collected and analyzed any storm water discharges from the East Washington Plant, City Fibers analyzed the East Washington Plant's storm water discharges for, *inter alia*, COD, iron, aluminum, and lead. As described above, the sampling results indicated that levels of COD, iron, and aluminum were consistently in excess of applicable water quality standards as well as applicable EPA benchmark values and NAL values. However, during the 2016-2017 reporting year, City Fibers failed to analyze the storm water discharges from the East Washington Plant for COD, iron, aluminum, and lead. This is notwithstanding observations in the East Washington Plant's SWPPP's pollutant source assessment that "potential pollutants that may be present in storm water discharges from the site include any material which is included in the make-up of scrap metal." (Section 3.8).

However, the East Washington Plant's SWPPP's monitoring program does not include a requirement to analyze storm water discharges for COD, iron, aluminum, and lead. This is notwithstanding the fact that the previous times that City Fibers reported analysis of storm water discharges from the West Washington Plant, during the 2014-2015 wet season, City Fibers measured levels of COD and iron in excess of applicable water quality standards as well as applicable EPA benchmark values and NAL values. This also ignores the fact that the Receiving Waters into which the West Washington Plant discharges are impaired for lead pursuant to the 303(d) list. Moreover, in the 2015-2016 Annual Report for the East Washington Plant, City Fibers acknowledges that lead is present at the Facility and is also on the list of identified pollutants in the impaired watershed.

Based on the City Fibers' past measurements of COD, iron, and aluminum at the East Washington Plant, and based on the description of metals as pollutants in the SWPPP's pollutant source assessment, and based on the fact the Receiving Waters are impaired for lead, LAW alleges that City Fibers must analyze the East Washington Plant's storm water discharges for COD, iron, aluminum, and lead. This failure to analyze for COD, iron, aluminum, and lead in each sampling event during the 2016-2017 reporting year results in at least 12 violations of the General Permit.

In addition, LAW alleges that the SWPPP for the East Washington Plant contains an insufficient pollutant source assessment in that it fails to identify COD, iron, aluminum, and lead as industrial pollutants.

These violations are ongoing. City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since at least December 16, 2014.

b. West Washington Plant.

Although City Fibers has not collected and analyzed any storm water discharges from the West Washington Plant since May 14, 2015, LAW alleges that that the facility's monitoring

program is insufficient because it fails to provide that City Fibers will analyze the West Washington Plant's storm water discharges for required parameters. The West Washington Plant's SWPPP's pollutant source assessment indicates that "[a]ny material handled on-site outdoors is a potential source of pollutants, namely the cardboard and metal receiving and storage areas" and indicates that these areas have the potential to contribute metals to storm water discharges. (Section 3.7). It further states that "[t]he likely pollutants present in storm water discharges are suspended solids, oil and grease, and other smaller particulate or debris from metal, cardboard, or repair activities." (Section 3.8). The SWPPP acknowledges that "[i]f storm water results from the site prove to be significantly high in any of the sampled parameters, then City Fibers will work to modify or implement new BMPs to improve the quality of this site's storm water discharge." (Section 3.8).

However, the West Washington Plant's SWPPP's monitoring program does not include a requirement to analyze storm water discharges for COD, iron, aluminum, and lead. This is notwithstanding the fact that the previous times that City Fibers reported analysis of storm water discharges from the West Washington Plant, during the 2014-2015 and 2011-2012 wet seasons, City Fibers measured levels of COD, iron, and aluminum consistently in excess of applicable water quality standards as well as applicable EPA benchmark values and NAL values. This also ignores the fact that the Receiving Waters into which the West Washington Plant discharges are impaired for lead pursuant to the 303(d) list. Moreover, in the 2015-2016 Annual Report for the West Washington Plant, City Fibers acknowledges that lead is present at the Facility and is also on the list of identified pollutants in the impaired watershed.

Thus, LAW alleges that the monitoring program for the West Washington Plant does not comply with Section XI(B)(6)(c) of the General Permit because it fails to include monitoring for COD, iron, aluminum, and lead. In addition, LAW alleges that the SWPPP for the West Washington Plant contains an insufficient pollutant source assessment in that it fails to identify COD, iron, aluminum, and lead as industrial pollutants.

These violations are ongoing. City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since at least May 31, 2012.

c. Los Angeles Plant

Although City Fibers has not collected and analyzed any storm water discharges from the Los Angeles Plant since May 14, 2015, LAW alleges that the facility's monitoring program is insufficient because it fails to provide that City Fibers will analyze the Los Angeles Plant's storm water discharges for required parameters. The Los Angeles Plant's SWPPP's pollutant source assessment indicates that outdoor truck maintenance could contribute metals to the facility's storm water discharges. (Section 3.7). The facility's SWPPP also indicates, that for Plant #1, potential pollutants from the maintenance shop include metal particulate from welding. (Section 3.1.2). The SWPPP acknowledges that "[i]f storm water results from the site prove to be significantly high in any of the sampled parameters, then City Fibers will work to modify or implement new BMPs to improve the quality of this site's storm water discharge." (Section 3.8).

However, the SWPPP's monitoring program does not include a requirement to analyze storm water discharges for COD, iron, aluminum, zinc, copper, and lead. This is notwithstanding the fact that the previous times that City Fibers reported analysis of storm water discharges from the Los Angeles Plant, during the 2014-2015 and 2012-2013 wet seasons, City Fibers measured levels of COD, iron, aluminum, zinc, and copper consistently in excess of applicable water quality standards as well as applicable EPA benchmark values and NAL values. This also ignores the fact that the Receiving Waters into which the Los Angeles Plant discharges are impaired for lead and copper pursuant to the 303(d) list.

Thus, LAW alleges that the monitoring program for the Los Angeles Plant does not comply with Section XI(B)(6)(c) of the General Permit because it fails to include monitoring for COD, iron, aluminum, zinc, copper, and lead. In addition, LAW alleges that the SWPPP for the Los Angeles Plant contains an insufficient pollutant source assessment in that it fails to identify COD, iron, aluminum, zinc, copper, and lead as industrial pollutants.

These violations are ongoing. City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since at least May 31, 2012.

d. West Valley Plant

Although City Fibers has not collected and analyzed any storm water discharges from the West Valley Plant since October 11, 2012, LAW alleges that that the facility's monitoring program is insufficient because it fails to provide that City Fibers will analyze the West Valley Plant's storm water discharges for required parameters. The West Valley Plant's SWPPP's pollutant source assessment indicates that "[t]he outdoor storage of metal has the potential to contribute metal particulate to the site's storm water surface flow." (Section 3.7).

However, the SWPPP's monitoring program does not include a requirement to analyze storm water discharges for COD, iron, aluminum, zinc, copper, and lead. This is notwithstanding the fact that the previous time that City Fibers reported analysis of storm water discharges from the West Valley Plant, during the 2012-2013 wet season, City Fibers measured levels of COD, iron, aluminum, zinc, and copper consistently in excess of applicable water quality standards as well as applicable EPA benchmark values and NAL values. This also ignores the fact that the Receiving Waters into which the Los Angeles Plant discharges are impaired for lead and copper pursuant to the 303(d) list.

Thus, LAW alleges that the monitoring program for the West Valley Plant does not comply with Section XI(B)(6)(c) of the General Permit because it fails to include monitoring for COD, iron, aluminum, zinc, copper, and lead. In addition, LAW alleges that the SWPPP for the West Valley Plant contains an insufficient pollutant source assessment in that it fails to identify COD, iron, aluminum, zinc, copper, and lead as industrial pollutants.

These violations are ongoing. City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since at least May 31, 2012.

ii. Failure to Conduct Required Sampling and Analysis.

The 1997 Permit requires dischargers to collect storm water samples during the first hour of discharge from the first storm event of the wet season, and at least one other storm event during the wet season, from all storm water discharge locations at a facility. *See* 1997 Permit, § B(5). The 2015 Permit now mandates that facility operators sample *four* (rather than two) storm water discharges from all discharge locations over the course of the reporting year. *See* 2015 Permit, §§ XI(B)(2), (3). Storm water discharges trigger the sampling requirement under the 1997 Permit when they occur during facility operating hours and are preceded by at least three working days without storm water discharge. *See* 1997 Permit, § B(5)(b). A sample must be collected from each discharge point at the facility, and in the event that an operator fails to collect samples from the first storm event, the operators must still collect samples from two other storm events and “shall explain in the Annual Report why the first storm event was not sampled.” *See* 1997 Permit, § B(5)(a). The Facilities have repeatedly violated these monitoring requirements.

a. East Washington Plant.

On information and belief, LAW alleges that during the 2016-2017 reporting year, City Fibers failed to collect and analyze storm water samples from two out of four required storm events at the East Washington Plant.⁸ On information and belief, LAW alleges that during the 2015-2016 reporting year, City Fibers failed to collect and analyze storm water samples from any storm events at the East Washington Plant. On information and belief, LAW alleges that during the 2014-2015 wet season, City Fibers failed to collect and analyze storm water samples from one of the required two storm events at the East Washington Plant. Further, during all of these years when it did collect samples, City Fibers never collected and analyzed storm water discharges at the East Washington Plant for more than one outfall from a particular sampling event. LAW thus alleges that City Fibers failed to collect samples from each storm water discharge location during every sampling event since December 16, 2014.

Despite its claims that there were insufficient storm events that produced storm water discharges during those reporting years and wet season, to the extent that City Fibers offered explanations, LAW alleges that local precipitation data compared to dates when the East Washington Plant did collect storm water samples shows that discharges occurred on several dates during each of those wet seasons and reporting years. Specifically, on information and belief, LAW alleges that discharges from qualifying rain events occurred on the following dates when the East Washington Plant was operating:

- December 30, 2014
- April 7, 2015
- May 8, 2015
- September 15, 2015
- October 5, 2015
- January 5, 2016

⁸ On information and belief, LAW alleges that the December 23, 2016, storm water sample that City Fibers collected and analyzed at the East Washington Plant was not taken from a qualifying storm event.

- February 17, 2016
- March 11, 2016
- April 8, 2016
- October 17, 2016
- December 21, 2016
- December 30, 2016
- January 5, 2017
- January 9, 2017
- January 19, 2017
- February 3, 2017
- February 6, 2017
- February 10, 2017
- February 17, 2017

The failure to collect and analyze storm water samples from the requisite sampling events at the East Washington Plant results in at least 17 violations of the General Permit. These violations of the General Permit are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since December 16, 2014.

b. West Washington Plant.

On information and belief, LAW alleges that during the 2016-2017 and 2015-2016 reporting years, City Fibers failed to collect and analyze storm water samples from any storm events at the West Washington Plant. On information and belief, LAW alleges that during the 2014-2015 wet season, City Fibers failed to collect and analyze storm water samples from its second outfall when it did collect and analyze storm water discharges. On information and belief, LAW alleges that during the 2013-2014 and the 2012-2013 wet seasons, City Fibers failed to collect and analyze any storm water samples.

Despite its claims that there were insufficient storm events that produced storm water discharges during those reporting years and wet seasons, to the extent that City Fibers offered explanations, LAW alleges that local precipitation data compared to dates when the West Washington Plant did collect storm water samples shows that discharges occurred on several dates during each of those wet seasons and years. Specifically, on information and belief, LAW alleges that discharges from qualifying rain events occurred on the following dates when the West Washington Plant was operating:

- November 29, 2012
- December 18, 2012
- December 24, 2012
- January 24, 2013
- February 19, 2013
- March 8, 2013
- May 6, 2013
- November 21, 2013
- November 29, 2013
- December 19, 2013
- February 27, 2014
- April 1, 2014
- October 31, 2014
- December 12, 2014
- December 16, 2014
- December 30, 2014
- April 7, 2015
- May 8, 2015
- September 15, 2015
- October 5, 2015
- January 5, 2016
- February 17, 2016

- March 11, 2016
- April 8, 2016
- October 17, 2016
- December 15, 2016
- December 21, 2016
- December 30, 2016
- January 5, 2017
- January 9, 2017
- January 19, 2017
- February 3, 2017
- February 6, 2017
- February 10, 2017
- February 17, 2017

The failure to collect and analyze storm water samples from the requisite sampling events at the West Washington Plant results in at least 26 violations of the General Permit. These violations of the General Permit are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since May 31, 2012.

c. Los Angeles Plant.

On information and belief, LAW alleges that during the 2016-2017 and 2015-2016 reporting years, as well as the 2013-2014 wet season, City Fibers failed to collect and analyze storm water samples from any storm events at the Los Angeles Plant. On information and belief, LAW alleges that during the 2015-2016 reporting year, City Fibers failed to collect and analyze storm water samples from any storm events at the Los Angeles Plant. On information and belief, LAW alleges that during the 2014-2015 and 2012-2013 wet seasons, City Fibers failed to collect and analyze storm water samples from a second storm event at the Los Angeles Plant. On information and belief, LAW alleges that during the 2014-2015 and 2012-2013 wet seasons, when it did collect samples, City Fibers failed to collect and analyze storm water discharges from two of its three outfalls.

Despite its claims that there were insufficient storm events that produced storm water discharges during those reporting years and wet seasons, to the extent that City Fibers offered explanations, LAW alleges that local precipitation data compared to dates when the Los Angeles Plant did collect storm water samples shows that discharges occurred on several dates during each of those wet seasons and years. Specifically, on information and belief, LAW alleges that discharges from qualifying rain events occurred on the following dates when the Los Angeles Plant was operating:

- November 29, 2012
- December 18, 2012
- December 24, 2012
- January 24, 2013
- February 19, 2013
- March 8, 2013
- May 6, 2013
- November 21, 2013
- November 29, 2013
- December 19, 2013
- February 27, 2014
- April 1, 2014
- October 31, 2014
- December 12, 2014
- December 16, 2014
- December 30, 2014

- April 7, 2015
- May 8, 2015
- September 15, 2015
- October 5, 2015
- January 5, 2016
- February 17, 2016
- March 11, 2016
- April 8, 2016
- October 17, 2016
- December 15, 2016
- December 21, 2016
- December 30, 2016
- January 5, 2017
- January 9, 2017
- January 19, 2017
- February 3, 2017
- February 6, 2017
- February 10, 2017
- February 17, 2017

The failure to collect and analyze storm water samples from the requisite sampling events at the Los Angeles Plant results in at least 40 violations of the General Permit. These violations of the General Permit are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since May 31, 2012.

d. West Valley Plant.

On information and belief, LAW alleges that during the 2016-2017 and 2015-2016 reporting years, as well as the 2014-2015 and 2013-2014 wet seasons, City Fibers failed to collect and analyze storm water samples from any storm events at the West Valley Plant. On information and belief, LAW alleges that during the 2012-2013 wet season, City Fibers failed to collect and analyze storm water samples from a second storm event.

Despite its claims that there were insufficient storm events that produced storm water discharges during those reporting years and wet seasons, to the extent that City Fibers offered explanations, LAW alleges that local precipitation data compared to dates when the West Valley Plant did collect storm water samples shows that discharges occurred on several dates during each of those wet seasons and years. Specifically, on information and belief, LAW alleges that discharges from qualifying rain events occurred on the following dates when the West Valley Plant was operating:

- November 29, 2012
- December 12, 2012
- December 24, 2012
- January 24, 2013
- February 19, 2013
- March 7, 2013
- May 6, 2013
- November 29, 2013
- December 19, 2013
- February 6, 2014
- February 26, 2014
- April 1, 2014
- October 31, 2014
- December 11, 2014
- December 16, 2014
- May 14, 2015
- September 15, 2015
- December 22, 2015
- January 5, 2016
- February 17, 2016

- March 11, 2016
- May 6, 2016
- October 17, 2016
- December 15, 2016
- December 21, 2016
- December 30, 2016
- January 4, 2017
- January 19, 2017
- February 3, 2017
- February 6, 2017
- February 17, 2017

The failure to collect and analyze storm water samples from the requisite sampling events at the West Valley Plant results in at least 9 violations of the General Permit. These violations of the General Permit are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, City Fibers is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since May 31, 2012.

C. Failure to Complete Annual Comprehensive Site Compliance Evaluation.

The 1997 Permit, in relevant part, requires that the Annual Report include an Annual Comprehensive Site Compliance Evaluation Report ("ACSCE Report"). 1997 Permit, Section B(14). As part of the ACSCE Report, the facility operator must review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. The Annual Report must be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of his or her knowledge. The 2015 Permit now requires operators to conduct an Annual Comprehensive Facility Compliance Evaluation ("Annual Evaluation") that evaluates the effectiveness of current BMPs and the need for additional BMPs based on visual observations and sampling and analysis results. See 2015 Permit, § XV.

Information available to LAW indicates that City Fibers has consistently failed to comply with Section B(14) of the 1997 Permit, and Section XV of the 2015 Permit. None of the Facilities' ACSCE Reports provide a sufficient explanation of the Facilities' failure to take steps to reduce or prevent high levels of pollutants observed in the Facilities' storm water discharges. See 1997 Permit Receiving Water Limitation C(3) and C(4) (requiring facility operators to submit a report to the Regional Board describing current and additional BMPs necessary to prevent or reduce pollutants causing or contributing to an exceedance of water quality standards); see also 2015 Permit § X(B)(1)(b). The failure to assess the Facilities' BMPs and respond to inadequacies in the ACSCE Reports negates a key component of the evaluation process required in self-monitoring programs such as the General Permit. Instead, City Fibers has not proposed sufficient BMPs that properly respond to EPA benchmark and water quality standard exceedances in violation of the General Permit.

LAW puts City Fibers on notice that its failures to submit accurate and complete ACSCE Reports are violations of the General Permit and the CWA. City Fibers is in ongoing violation of the General Permit every day that the Facilities operate without evaluating the effectiveness of BMPs and the need for additional BMPs. These violations are ongoing. Each of these violations is a separate and distinct violation of the General Permit and the CWA. City Fibers is subject to

civil penalties for all violations of the CWA occurring since May 31, 2012, with respect to the West Washington Plant, Los Angeles Plant, and the West Valley Plant; and occurring since December 16, 2014 with respect to the East Washington Plant.

D. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.

Under the General Permit, the State Board has designated the SWPPP as the cornerstone of compliance with NPDES requirements for storm water discharges from industrial facilities, and ensuring that operators meet effluent and receiving water limitations. Section A(1) and Provision E(2) of the 1997 Permit require dischargers to develop and implement a SWPPP prior to beginning industrial activities that meet all of the requirements of the 1997 Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-stormwater discharges from the facility, and to implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges. See 1997 Permit § A(2); 2015 Permit § X(C). These BMPs must achieve compliance with the General Permit's effluent limitations and receiving water limitations. To ensure compliance with the General Permit, the SWPPP must be evaluated and revised as necessary. 1997 Permit §§ A(9), (10); 2015 Permit § X(B). Failure to develop or implement an adequate SWPPP, or update or revise an existing SWPPP as required, is a violation of the General Permit. 2015 Permit Factsheet § I(1).

Sections A(3)-A(10) of the 1997 Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map; a list of significant materials handled and stored at the site; a description of potential pollutant sources; an assessment of potential pollutant sources; and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-stormwater discharges, including structural BMPs where non-structural BMPs are not effective. Sections X(D) – X(I) of the 2015 Permit set forth essentially the same SWPPP requirements as the 1997 Permit, except that all dischargers are now required to develop and implement a set of minimum BMPs, as well as any advanced BMPs as necessary to achieve BAT/BCT, which serve as the basis for compliance with the 2015 Permit's technology-based effluent limitations. See 2015 Permit § X(H). The 2015 Permit further requires a more comprehensive assessment of potential pollutant sources than the 1997 Permit; more specific BMP descriptions; and an additional BMP summary table identifying each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented. See 2015 Permit §§ X(G)(2), (4), (5).

The 2015 Permit requires dischargers to implement and maintain, to the extent feasible, all of the following minimum BMPs in order to reduce or prevent pollutants in industrial storm water discharges: good housekeeping, preventive maintenance, spill and leak prevention and response, material handling and waste management, erosion and sediment controls, an employee training program, and quality assurance and record keeping. See 2015 Permit, § X(H)(1). Failure to implement all of these minimum BMPs is a violation of the 2015 Permit. See 2015

Permit Fact Sheet § I(2)(o). The 2015 Permit further requires dischargers to implement and maintain, to the extent feasible, any one or more of the following advanced BMPs necessary to reduce or prevent discharges of pollutants in industrial storm water discharges: exposure minimization BMPs, storm water containment and discharge reduction BMPs, treatment control BMPs, and other advanced BMPs. See 2015 Permit, § X(H)(2). Failure to implement advanced BMPs as necessary to achieve compliance with either technology or water quality standards is a violation of the 2015 Permit. *Id.* The 2015 Permit also requires that the SWPPP include BMP Descriptions and a BMP Summary Table. See 2015 Permit § X(H)(4), (5). A Facility's BMPs must, at all times, be robust enough to meet the General Permit's and 33 U.S.C. § 1342(p)(3)(A)'s requirement that all discharges associated with industrial activities be subjected to BAT and BCT. 2015 Permit §§ V(A), I(A)(1), I(D)(31), I(D)(32); 1997 Permit, Effluent Limitation B(3), Receiving Water Limitation C(3).

Section X(D)(1)(c) of the 2015 Permit requires a discharger to include in its SWPPP detailed information about procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable. Section X(D)(2)(d) of the 2015 Permit requires a discharger to document in its SWPPP the facility's scheduled operating hours.

Despite these clear BMP requirements, City Fibers has been conducting and continues to conduct industrial operations at the Facilities with inadequately developed, implemented, and/or revised SWPPPs.

i. East Washington Plant.

The SWPPP for the East Washington Plant fails to comply with the requirements of Section X(D)(1)(c) of the 2015 Permit by failing to include detailed information about procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable. The SWPPP for the East Washington Plant fails to comply with the requirements of Section X(D)(2)(4) of the 2015 Permit by failing to document the East Washington Plant's scheduled operating hours. The SWPPP for the East Washington Plant also fails to comply with the requirements of Section X(H) of the 2015 Permit. The SWPPP fails to implement required advanced BMPs. The SWPPP fail to identify and justify each minimum BMP or applicable BMP not being implemented at the East Washington Plant because they do not reflect best industry practice considering BAT/BCT.

ii. West Washington Plant.

The SWPPP for the West Washington Plant fails to comply with the requirements of Section X(D)(1)(c) of the 2015 Permit by failing to include detailed information about procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable. The SWPPP for the West Washington Plant fails to comply with the requirements of Section X(D)(2)(4) of the 2015 Permit by failing to document the West Washington Plant's scheduled operating hours.

The SWPPP for the West Washington Plant also fails to comply with the requirements of Section X(H) of the 2015 Permit. The SWPPP fails to implement required advanced BMPs. The SWPPP fail to identify and justify each minimum BMP or applicable BMP not being implemented at the West Washington Plant because they do not reflect best industry practice considering BAT/BCT.

iii. Los Angeles Plant.

The SWPPP for the Los Angeles Plant fails to comply with the requirements of Section X(D)(1)(c) of the 2015 Permit by failing to include detailed information about procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable. The SWPPP for the Los Angeles Plant fails to comply with the requirements of Section X(D)(2)(4) of the 2015 Permit by failing to document the Los Angeles Plant's scheduled operating hours. The SWPPP for the Los Angeles Plant also fails to comply with the requirements of Section X(H) of the 2015 Permit. The SWPPP fails to implement required advanced BMPs. The SWPPP fail to identify and justify each minimum BMP or applicable BMP not being implemented at the Los Angeles Plant because they do not reflect best industry practice considering BAT/BCT.

iv. West Valley Plant.

The SWPPP for the West Valley Plant fails to comply with the requirements of Section X(D)(1)(c) of the 2015 Permit by failing to include detailed information about procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable. The SWPPP for the West Valley Plant fails to comply with the requirements of Section X(D)(2)(4) of the 2015 Permit by failing to document the West Valley Plant's scheduled operating hours. The SWPPP for the West Valley Plant also fails to comply with the requirements of Section X(H) of the 2015 Permit. The SWPPP fails to implement required advanced BMPs. The SWPPP fail to identify and justify each minimum BMP or applicable BMP not being implemented at the West Valley Plant because they do not reflect best industry practice considering BAT/BCT.

v. All of the Facilities.

Most importantly, the Facilities' storm water samples and discharge observations have consistently exceeded EPA benchmarks and NALs, demonstrating the failure of their BMPs to reduce or prevent pollutants associated with industrial activities in the Facilities' discharges. Despite these exceedances, City Fibers has failed to sufficiently update and revise the Facilities' SWPPPs. The Facilities' SWPPPs have therefore never achieved the General Permit's objective to identify and implement proper BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges.

LAW puts City Fibers on notice that it violates the General Permit and the CWA every day that the Facilities operate with inadequately developed, implemented, and/or revised SWPPPs. These above violations are ongoing, and LAW will include additional violations as

information and data become available. City Fibers is subject to civil penalties for all violations of the CWA occurring since May 31, 2012, with respect to the West Washington Plant, Los Angeles Plant, and the West Valley Plant; and occurring since December 16, 2014 with respect to the East Washington Plant.

III. Persons Responsible for the Violations.

LAW puts City Fibers, Inc., David Jones, and Todd Jones on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, LAW puts City Fibers, Inc., David Jones, and Todd Jones on notice that it intends to include those subsequently identified persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of Los Angeles Waterkeeper is as follows:

Bruce Reznik, Executive Director
LA Waterkeeper
120 Broadway, Suite 105
Santa Monica, CA 90401
Tel. (310) 394-6162
bruce@lawaterkeeper.org

V. Counsel.

LAW has retained legal counsel to represent it in this matter. Please direct all communications to:

Douglas J. Chermak
Michael R. Lozeau
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, California 94607
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VI. Penalties.


Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects City Fibers to a penalty of up to \$37,500 per day per violation for all violations occurring since October 28, 2011, up to and including November 2, 2015, and up to \$52,414 for violations occurring after November 2, 2015. In addition to civil penalties, LAW will seek injunctive relief

City Fibers, Inc.
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preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

LAW believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. LAW intends to file a citizen suit under Section 505(a) of the Act against City Fibers and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, LAW would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, LAW suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. LAW does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,


Douglas J. Chermak
Lozeau Drury LLP
Attorneys for Los Angeles Waterkeeper

SERVICE LIST – via certified mail

Scott Pruitt, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Tom Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Jeff Sessions, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Alexis Strauss, Acting Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Samuel Unger, Executive Officer II
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTACHMENT A
Rain Dates – East Washington Plant – Los Angeles, CA

12/16/2014	1/6/2016	12/24/2016
12/17/2014	1/7/2016	12/30/2016
12/30/2014	1/31/2016	1/5/2017
1/10/2015	2/17/2016	1/9/2017
1/11/2015	2/18/2016	1/11/2017
2/22/2015	3/6/2016	1/12/2017
2/28/2015	3/7/2016	1/19/2017
3/1/2015	3/11/2016	1/20/2017
3/2/2015	4/8/2016	1/22/2017
4/7/2015	10/17/2016	1/23/2017
5/8/2015	11/20/2016	2/3/2017
5/14/2015	11/21/2016	2/6/2017
7/18/2015	11/26/2016	2/7/2017
9/15/2015	12/15/2016	2/10/2017
10/5/2015	12/16/2016	2/11/2017
12/13/2015	12/21/2016	2/17/2017
12/19/2015	12/22/2016	
1/5/2016	12/23/2016	

ATTACHMENT B

Rain Dates – West Washington Plant, Los Angeles Plant – Los Angeles, CA

11/17/2012	12/3/2014	3/11/2016
11/29/2012	12/12/2014	4/8/2016
11/30/2012	12/16/2014	10/17/2016
12/3/2012	12/17/2014	11/20/2016
12/18/2012	12/30/2014	11/21/2016
12/24/2012	1/10/2015	11/26/2016
12/26/2012	1/11/2015	12/15/2016
12/29/2012	2/22/2015	12/16/2016
1/6/2013	2/28/2015	12/21/2016
1/24/2013	3/1/2015	12/22/2016
1/25/2013	3/2/2015	12/23/2016
2/19/2013	4/7/2015	12/24/2016
3/8/2013	5/8/2015	12/30/2016
5/6/2013	5/14/2015	1/5/2017
11/21/2013	7/18/2015	1/9/2017
11/29/2013	9/15/2015	1/11/2017
12/19/2013	10/5/2015	1/12/2017
2/2/2014	12/13/2015	1/19/2017
2/27/2014	12/19/2015	1/20/2017
2/28/2014	1/5/2016	1/22/2017
3/1/2014	1/6/2016	1/23/2017
3/2/2014	1/7/2016	2/3/2017
4/1/2014	1/31/2016	2/6/2017
10/31/2014	2/17/2016	2/7/2017
11/1/2014	2/18/2016	2/10/2017
11/30/2014	3/6/2016	2/11/2017
12/2/2014	3/7/2016	2/17/2017

ATTACHMENT C
Rain Dates – West Valley Plant – Van Nuys, CA

10/11/2012	10/31/2014	10/30/2016
11/17/2012	11/30/2014	11/20/2016
11/29/2012	12/2/2014	11/21/2016
11/30/2012	12/3/2014	11/26/2016
12/2/2012	12/11/2014	12/15/2016
12/12/2012	12/12/2014	12/16/2016
12/18/2012	12/16/2014	12/21/2016
12/24/2012	12/17/2014	12/22/2016
12/26/2012	1/10/2015	12/23/2016
12/29/2012	1/11/2015	12/30/2016
1/24/2013	2/22/2015	12/31/2016
1/25/2013	2/23/2015	1/4/2017
1/27/2013	3/1/2015	1/5/2017
2/8/2013	5/14/2015	1/7/2017
2/19/2013	7/18/2015	1/9/2017
3/7/2013	9/15/2015	1/10/2017
3/8/2013	12/13/2015	1/11/2017
5/6/2013	12/19/2015	1/19/2017
5/7/2013	12/22/2015	1/20/2017
11/21/2013	1/5/2016	1/22/2017
11/29/2013	1/6/2016	2/3/2017
12/7/2013	1/7/2016	2/6/2017
12/19/2013	1/31/2016	2/7/2017
2/6/2014	2/17/2016	2/17/2017
2/26/2014	3/6/2016	2/18/2017
2/27/2014	3/7/2016	2/20/2017
2/28/2014	3/11/2016	2/26/2017
3/1/2014	5/6/2016	3/21/2017
4/1/2014	10/17/2016	